



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,435	01/25/2002	Atanas Stoyanov	20406-18	9660

33401 7590 01/09/2008
MCDERMOTT WILL & EMERY LLP
2049 CENTURY PARK EAST
38th Floor
LOS ANGELES, CA 90067-3208

EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
----------	--------------

3692

MAIL DATE	DELIVERY MODE
-----------	---------------

01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/057,435	Applicant(s) STOYANOV ET AL.	
	Examiner Jennifer Liversedge	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 10/057,435 filed on November 2, 2007.

The amendment contains original claims: 13, 16-19 and 21-22.

The amendment contains amended claims: 14-15 and 20.

Claims 1-7, 23-26, 28-34 were previously withdrawn.

Claims 8-12 and 27 have been canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the vehicles" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the highest profit" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the vehicles" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the vehicles" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the vehicles" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the vehicles" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the highest profit" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the vehicles" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the highest profit" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the vehicles" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the highest profit" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the monthly payment amounts" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,774,883 to Andersen et al. (further referred to as Andersen), and further in view of US Pub 2001/0049653 A1 to Sheets (further referred to as Sheets).

Regarding claims 13-22, Andersen discloses a method, computer system and computer readable storage media containing software for selecting, from a plurality of lease programs, a lease program that generates the largest profit (columns 3-6), the method comprising:

Receiving a second input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

Receiving financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

Accessing a database stored in a computer system, the database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53); and

Identifying, for each of the vehicles, the lease program generating the highest profit (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27); and

Generating the highest profit for each of the monthly payment amounts (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27).

Andersen does not specifically disclose receiving a first input representing a target monthly payment amount. However, Andersen discloses receiving customer budget information (Figure 13a; column 5, lines 1-5; column 6, lines 15-18; column 12, lines 23-29; column 26, lines 6-11). Further, Sheets discloses receiving a first input representing a target monthly payment amount (Figure 3; page 1, paragraph 5; page 2, paragraph 18; page 4, paragraph 28; page 5, paragraph 36). It would be obvious to one of ordinary skill in the art to modify the method of maximizing profit using a customer's budget as a constraint as disclosed by Andersen with the method of specifying a target monthly payment as disclosed by Sheets. The motivation would be one's monthly vehicle payment is a portion of one's overall budget and would be a significant determiner in selecting a vehicle and the associated payment.

Response to Arguments

Applicant's arguments filed November 2, 2007 have been fully considered but they are not persuasive.

Applicant has argued that Anderson does not constrain a choice for selecting the most profitable financing program by the amount of cash available for lease inception fees or a target monthly payment, nor for a set of vehicles based on financial information about a customer. However, Anderson discloses a method for selecting a seller's most profitable financing program from a listing of financial options (column 3, lines 56-59), wherein iterations are made based on customer inputs (column 6, lines 5-18; column 6, lines 49-53), including a maximum payment a borrower can make (column 2, lines 19-23), a customer's budget and financial information (column 5, lines 1-5; column 6, lines 1-5; column 26, lines 6-11) and lease inception fees (column 13, lines 45-50; column 18, lines 11-14), where profit is broken out by vehicle (column 5, lines 9-12).

Further, applicant has argued that Sheets fails to disclose using a target monthly payment as a constraint for identifying the leasing program that provides the greatest profit. However, Sheets discloses using a target monthly payment in determining a financing program (Figure 3; page 1, paragraph 5; page 2, paragraph 17; page 4, paragraph 28; page 5, paragraph 36).

The combination of Anderson and Sheets discloses using a target monthly payment as a constraint for identifying the leasing program that provides the greatest profit. Anderson discloses where profits are broken out by vehicle (column 5, lines 9-12), whereby it is understood that maximizing profits across a set of vehicles can be performed. Additionally, Sheets discloses selecting financing options for a set of vehicles (Figures 2 and 4; page 4, paragraph 28).

Andersen does not specifically disclose receiving a target monthly payment amount. However, Andersen discloses receiving customer budget information (Figure 13a; column 5, lines 1-5; column 6, lines 15-18; column 12, lines 23-29; column 26, lines 6-11). Further, Sheets discloses receiving a target monthly payment amount (Figure 3; page 1, paragraph 5; page 2, paragraph 18; page 4, paragraph 28; page 5, paragraph 36). It would be obvious to one of ordinary skill in the art to modify the method of maximizing profit using a customer's budget as a constraint as disclosed by Andersen with the method of specifying a target monthly payment as disclosed by Sheets. The motivation would be one's monthly vehicle payment is a portion of one's overall budget and would be a significant determiner in selecting a vehicle and the associated payment. Further, businesses must maximize profits and customer satisfaction in order to remain a viable business (Anderson, column 1, lines 23-27).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Application/Control Number:
10/057,435
Art Unit: 3692

Page 8

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3692

KAMBIZ ABDI
SUPERVISORY PATENT EXAMINER

